

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH NEALE, JR.,

Plaintiff,

v.

SHERMAN, *et al.*,

Defendants.

Case No. 1:20-cv-01079-AWI-BAM (PC)

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER**

(ECF No. 7)

Plaintiff Joseph Neale, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 6, 2020, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action. (ECF No. 6.) No objections were filed.

On September 9, 2020, the undersigned issued an order adopting the findings and recommendations in full and ordering Plaintiff to pay the \$400.00 filing fee in full within twenty-one (21) days to proceed with this action. (ECF No. 7). Plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed without further notice. (Id. at 2.)

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1 The deadline to pay the filing fee has expired, and Plaintiff has failed to pay the filing fee
2 or otherwise indicate his willingness to comply with the Court's order. Because Plaintiff has
3 failed to obey the Court's order and pay the appropriate filing fee, this case cannot proceed. This
4 matter will be dismissed. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992).

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6 **ORDER**

7 Accordingly, IT IS HEREBY ORDERED that this action is dismissed, without prejudice,
8 for Plaintiff's failure to comply with the Court's order of September 9, 2020, (ECF No. 7), and
9 his failure to pay the filing fee.

10 IT IS SO ORDERED.

11 Dated: December 3, 2020

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13 SENIOR DISTRICT JUDGE
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